

**San Bernardino County
Sheriff's Court Services Bureau**



**GARY PENROD
SHERIFF**

**WHAT HAPPENS
AFTER
JUDGMENT**

ENTRY OF JUDGMENT

If you are the plaintiff or the defendant who has filed a counter suit and the Judge decides in your favor, the Clerk of the Court will enter a judgment in your name. The party against whom the judgment was rendered should pay the money directly to you.

IF THE DEBT IS PAID

You must file a satisfaction of judgment with the Clerk of the Court within 15 days.

IF THE DEBT IS NOT PAID

MAKE A DEMAND upon the debtor by letter, telephone or in person. Making a demand could save you a great deal of time and money.

ORDER FOR APPEARANCE OF JUDGMENT DEBTOR

If you do not know what property the defendant has or where it is located, you should take steps to obtain this information. An Order for Appearance of a Judgment Debtor requires the debtor to appear before a Judge or Referee and answer questions under oath concerning their property and assets.

This order is obtained from the Court Clerk. Upon prepaid fees of \$30.00 the Sheriff will attempt to serve the order.

WRIT OF EXECUTION

If the debtor neglects or refuses to pay, you may ask the Clerk of the Court to issue an Original Writ of Execution together with three copies. The Writ of Execution along with your written instructions gives the Sheriff authority to seize property of the judgment debtor.

PREPAID FEES / DEPOSITS

Prepaid fees are required by statute. Additionally, a deposit to cover OTHER EXPENSES such as moving, storage, towing, County Recorder, newspaper publishing, and keeper fees is necessary. Consequently, prepaid fees plus deposits range from \$25 to \$1500 depending upon the type of levy. Expended fees and deposits are added to the judgment the Sheriff collects for you.

EARNINGS WITHHOLDING ORDER

FEE: \$25

An Earnings Withholding Order requires an employer to send to the Sheriff approximately 25% of the defendant's net earnings every payday. The employer has 15 days to send a response to the Sheriff, after service, regarding defendant's net pay and pay period. A copy of the response will be sent to you. The order is in effect until paid in full with collections being paid to you by the Sheriff as monies are received. The defendant is entitled to file a Claim of Exemption for the return of monies and relief from order.

TILL TAP LEVY

FEE: \$85

If the defendant owns a business that has cash or checks on the premises, you may instruct the Sheriff to execute a "Till Tap Levy". Monies from the "Till" are removed and paid to you. Your instructions to the Sheriff must include the name and address of the business.

KEEPER LEVY

FEE: \$195 (8 HOUR)

If the defendant owns a business you may instruct the Sheriff to execute a Keeper Levy. Upon installation of the keeper the business and all assets are under the control of the Sheriff. Your instructions to the Sheriff must give the name and address of the business.

BANK LEVY

FEE: \$30

A defendant's bank account may be garnished. Your instructions to the Sheriff must include the name of the bank and address. It is important that the name on the account is exactly the same as the judgment. Though not necessary, the account number will assist the bank in locating the account. The bank has 10 days to respond. The garnishment attaches only the monies in the account at the time of service.

VEHICLE LEVY

DEPOSIT: \$800

A vehicle registered to and in the possession of the defendant may be levied upon and sold at auction by the Sheriff. Your instructions to the Sheriff must state the make, year and license, or vehicle identification number of the vehicle and the address where it can be found. The legal owner may make a claim in which case the claim must be paid off by you before the vehicle can be sold. If the vehicle is the only one registered to the defendant, the defendant receives and automatic exemption of \$1900. If the minimum bid is not received at the sale, the vehicle is returned to the defendant.

REAL ESTATE LEVY

DEPOSIT \$150 - \$1500

If the defendant owns real property you may instruct the Sheriff to execute a Real Estate Levy. Your instructions must include the legal description and common address of the property, parcel number if known, street address if improved property, and the name and address of record owner. Real Estate Levies are very complex. You may wish to contact an attorney before proceeding.

THIRD PARTY CLAIM

After property has been levied upon, a person not a party to the action, who claims ownership, the right of possession, a security interest or a lien may file a Third Party Claim.

CLAIM OF EXEMPTION

The defendant may be entitled to file a Claim of Exemption for the return of the property or money that has been levied upon. If the claim is filed, it may be contested by filing a Notice of Opposition for an Order Determining Claim Exemption. A Judge hears these matters after notice is given to all parties.

ABSTRACT OF JUDGMENT

The judgment debtor may own real property. You may put a lien on the property so that you will be paid if the property is sold. You can create a lien by filing an Abstract of Judgment with the County Recorder in the county where the property is located.

COUNTY AUDITOR

All money collected by the Sheriff from a levy is deposited into the County Treasury. The County Auditor is directed by the Sheriff to pay you the money, which has been collected. Any inquiries regarding payment of money and refunds MUST be directed to the Sheriff's Court Services Bureau handling your case.

****SPECIAL NOTICE****

The Sheriff's Court Services Bureau understands that you are concerned about the status of your case. However, once you leave it for processing, PLEASE BE PATIENT. You will be informed as soon as we have information for you. In the case of a bank levy or wage garnishment, you will receive a copy of the answer after we receive it. In the case of a till tap, vehicle levy or keeper levy, we will call you after the levy is made.